

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TMP-20518 – WINDIMERE II @ PROVIDENCE/CLIFFS EDGE

**- APPLICANT: KIMBALL HILL HOMES - OWNER: CLIFFS EDGE, LIMITED
LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (4-3/ds, bg, rt vote) and staff recommend DENIAL.

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, this action is void.
2. All development shall conform to the Conditions of Approval for Variance (VAR-20524) and the Cliff's Edge Master Development Plan and Design Guidelines.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
5. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions ("CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.

6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

7. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Final Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
8. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
9. Site development to comply with all applicable conditions of approval for previous zoning actions, Cliff's Edge Parent Map, Cliff's Edge Development Standards, Design Guidelines and Development Agreement, the "Sight Distance Along Shaumber Road within Cliff's Edge" design document dated March 4, 2004, the Windimere @ Providence/Cliff's Edge overall Tentative Map, and all other applicable site-related actions.
10. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Major Amendment to an Approved Tentative Map (TMP-4465) for a 188 lot single family subdivision on 40.84 acres adjacent on Dorrell Lane, between Puli Road and Shaumber Road.

A companion request for a Variance from the Cliff's Edge Master Development Plan and Design Guidelines to Variance to allow a 5-foot front living area or porch setback where 10-feet is the minimum setback required accompanies this request. This proposal requires a Variance from the setbacks established in the Cliff's Edge Master Development Plan and Design Guidelines, and because that Variance is needed solely because of a self-imposed hardship, staff finds that the proposed Tentative Map fails to comply with the intent of the PD zoning within this Master Plan.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/06/02	The City Council approved an Annexation (A-0026-01) of 95 acres in the northern portion of the Cliff's Edge Master Plan area, south of Grand Teton Drive. The Planning Commission recommended approval on May 10, 2001. The effective date of this annexation was February 15, 2002. Staff had recommended approval of this application.
02/06/02	The City Council approved an Annexation (A-0028-01) of 10 acres in the northern portion of the Master Plan area, south of Grand Teton Drive. The Planning Commission recommended approval on May 10, 2001. The effective date of this annexation was February 15, 2002. Staff had recommended approval of this application.
06/19/02	The City Council approved an Annexation (A-0027-01) of five acres in the northern portion of the Master Plan area, south of Grand Teton Drive. The Planning Commission recommended approval on May 10, 2001. The effective date of this annexation was June 28, 2002. Staff had recommended approval of this application.
01/08/03	The City Council approved an Annexation (A-0030-02) of five acres in the northern portion of the Master Plan area, south of Grand Teton Drive. The Planning Commission recommended approval on October 10, 2002. The effective date of this annexation was January 17, 2003. Staff had recommended approval of this application.

02/05/03	The City Council approved an Annexation (A-0035-02) of over 1,056 acres in the area bounded by Hualapai Way to the east, Grand Teton Drive to the north, Puli Road to the west and Centennial Parkway and the Beltway alignment to the south. The Planning Commission recommended approval on September 26, 2002. The effective date of this annexation was February 14, 2003. Staff had recommended approval of this application.
04/16/03	The City Council approved a request for a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 317.5 acres covering 68 separate parcels in the Cliff's Edge area, and approved the related Cliff's Edge Master Development Plan to regulate development and the provision of infrastructure in the area. The Planning Commission and staff recommended approval on February 13, 2003.
07/16/03	The City Council approved a request for a Rezoning (ZON-2184) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres covering 21 separate parcels in the Cliff's Edge area, and approved amendments to the approved Cliff's Edge Master Development Plan. The Planning Commission and staff recommended approval on June 12, 2003.
12/04/03	A Minor Modification (MOD-3189) to the Cliff's Edge Master Development Plan and Design Guidelines was administratively approved by the Planning and Development Department, subject to a number of conditions.
12/17/03	The City Council approved an Annexation (ANX-3087) of 27.5 acres of land within the Cliff's Edge Master Development Plan area. The Planning Commission and staff recommended approval on October 23, 2003. The effective date of this annexation was December 26, 2003.
02/18/04	The City Council approved a request for a Rezoning (ZON-3241) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 90 acres covering 20 separate parcels in the Cliff's Edge area. The Planning Commission recommended approval on January 8, 2004. Staff recommended approval of this application.
02/18/04	The City Council approved a Development Agreement between the City of Las Vegas and Cliff's Edge, Limited Liability Company, for the Cliff's Edge Master Planned Community. The Planning Commission recommended approval on June 8, 2004. Staff recommended approval of this application.
02/26/04	The Planning Commission recommended approval of an Annexation (ANX-3693) of approximately 2.14 acres of land within the Cliff's Edge Master Development Plan area. The item will be forwarded to the City Council for consideration at its March 17, 2004 meeting. Its effective date, if approved, would be April 30, 2004.

05/05/04	The City Council approved a Major Modification (MOD-3955) to the Cliff's Edge Master Development Plan to change land use designations from Village Commercial to Medium Low Density Residential and Medium Residential; from Medium Residential to Residential Small Lot; and from Medium Low Density Residential to Public Facilities; to modify Section 6.2.3 regarding retaining walls; and to modify Table 1 (Section 2.2) to reflect changes to the land use categories on 40 total acres within the Cliff's Edge Master Development Plan area.
11/16/05	The City Council approved a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan And Design Guidelines to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the design guidelines on 1,156 acres including the subject site. The Planning Commission and staff recommended approval.
06/24/06	The Planning Commission approved a Tentative Map (TMP-4465) for a 286-lot subdivision on 40.84 acres on the subject site. Staff recommended approval. The current application is a major modification of this action.
04/26/07	The Planning Commission held in abeyance this application and a related application for a Variance (VAR-20524) for renotification.
05/10/07	<p>The Planning Commission recommended denial of companion item VAR-20524 concurrently with this application.</p> <p>The Planning Commission voted 4-3/ds, bg, rt to recommend DENIAL (PC Agenda Item #15/rl).</p>

<i>Related Building Permits/Business Licenses</i>	
10/30/06	Building Permit issued under plan check number L-3359-06 for on-site street lights within the subject site.
01/04/07	Building Permit issued under plan check number L-4006-06 for wall mounted signs at the entry to the subject site.
<i>Pre-Application Meeting</i>	
03/02/07	A pre-application meeting was held to discuss the requirements for this Tentative Map in the Cliff's Edge Master Planned Community, and the specifics of the related Variance.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this request, nor was one held.	

<i>Details of Application Request</i>
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<i>Site Area</i>	
Gross Acres	40.84

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
North	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
South	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
East	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
West	Undeveloped	Unincorporated Clark County	Unincorporated Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Cliff's Edge (Providence)	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD Planned Development District	X		N*
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

* Subject of companion Variance (VAR-20524).

- **Cliff's Edge Master Plan**

Future development within the Cliff's Edge master plan area is controlled by the Cliff's Edge Master Development Plan and the Cliff's Edge Design Guidelines. The Master Development Plan was required for the approval of PD (Planned Development) zoning, which was applied to the area concurrently with the approval of the Master Development Plan and the Design Guidelines.

- **PD Planned Development District**

Pursuant to Title 19.06.050, the development standards within a PD (Planned Development) zoning district are established by the Master Development Plan. The development standards for the Cliff's Edge area are established through the approved Cliff's Edge Master Development Plan, and with the approval of proposed modifications to the area's land use categories.

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Approved TMP-4465</i>	<i>Proposed TMP- 20518 18' driveway</i>	<i>Proposed TMP- 20518 24' private drives</i>
Total Number of Lots	286	324	
Common Lots	7	14	
Open Space	35,357 SF	77,321	
Parking Spaces	572	648	
Typical Lot Width	44 Feet	44 Feet	36 Feet

Pursuant to the Cliff's Edge Master Development Plan and Design Guidelines:

<i>Standard</i>	Required	Provided	Compliance
Min. Setbacks			
<ul style="list-style-type: none"> Living Area or Porch from private Street or Parking 	10 Feet	5 Feet	N*
<ul style="list-style-type: none"> Non-Balcony to Non-Balcony 	15 Feet	15 Feet	Y
<ul style="list-style-type: none"> Garage 	Less than 5 Feet or More than 18 Feet	5 Feet	Y

* Subject of this Variance

** Pursuant to Cliff's Edge Standards, up to 50% of the rear of the house may be setback 10 feet while the remainder must be setback 15 feet.

	Permitted Density	Units Allowed
Approved TMP-4465	7.00 du/a	286*
Proposed TMP-20518	7.93 du/a	324*

* Includes all area encompassed by TMP-4465, including Windimere II.

ANALYSIS

The area covered by the proposed Tentative Map includes properties with the designations of PCD (Planned Community Development) on the Centennial Hills Interlocal Land Use Plan of the Centennial Hills Sector Map of the General Plan. All of the parcels on the proposed Tentative Map are zoned PD (Planned Development), with an approved density of 7.0 dwelling units per acre across the entire development. This proposed Tentative Map will increase the

density to 7.93 dwelling units per acre, adding a total of 38 additional units, and require a front setback variance on the 188 lots which comprise Windimere II. While this zoning district and mean density will be in conformance with the provisions of the PCD (Planned Community Development) land use designation, this proposed modification with the required Variance is not appropriate for this location.

Pursuant to Title 19.06.050, the development standards within a PD (Planned Development) zoning district are established by the Master Development Plan. The development standards for the Cliff's Edge area are established through the approved Cliff's Edge Master Development Plan, and with the approval of proposed modifications to the area's land use categories. However, since this proposal requires a Variance from the setbacks established in the Cliff's Edge Master Development Plan and Design Guidelines, and because that Variance is needed solely because of a self-imposed hardship, staff finds that the proposed Tentative Map fails to comply with the intent of the PD zoning within this Master Plan.

FINDINGS

- **General information (Residential/Commercial)**

The proposed Tentative Map depicts the area generally located between Puli Road and Shaumber Road, along the north side of Dorrell Lane. The submitted map depicts Shaumber Road and Dorrell Lane as 70-foot rights-of-way and Puli Road a 90-foot right-of-way. Access to the subdivision is from Dorrell, have way between Puli and Shaumber. All streets within the subdivision are shown as 39 foot in width. However, many of the lots are front-loaded along 24-foot wide private drives. This arrangement requires a Variance to allow the setbacks required to enable such development to be front-loaded.

- **Cross Section**

The submitted cross-sections depict a maximum natural grade between 0% and 0.97% across east to west and 0% and 0.98% north and south on this site. Per Table A Subdivision Code 18.08.110 a development with natural slope of 0% to 2%, such as this development, is allowed a maximum four-foot retaining wall. The submitted cross sections do not show any retaining walls greater than 4.0 feet in height.

- **Trails**

Shaumber Road shall be developed according to the standards of the Thematic Parkway Loop as described in the Cliff's Edge Design Standards.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 13

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 52 by Planning Department

APPROVALS 0

PROTESTS 0